

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1 through 8, 13, and 14 are pending, with Claims 1 and 5 being independent.

Claims 1, 3, and 5 through 7 have been amended. The Abstract has been amended.

Claims 1 through 8, 13, and 14 yet again are rejected under 35 U.S.C. § 103 rejection over U.S. Patent No. 5,206,739 (Miyaji) in view of U.S. Patent No. 6,184,922 B1 (Saito, et al.) and newly-cited JP-A 11-308568 (“JP ‘568”). All rejections are respectfully traversed.

Claims 1 and 5 variously recite, *inter alia*, if it is determined that the internal recording unit becomes unable to record the image and sound data on the recording medium when the communication unit is outputting the image and sound data, stopping providing the image and sound data from the communication unit to the external storage device in response to the record stop instruction ***without sending to the external storage device a command for stopping recording the image and sound data.***

However, Applicant respectfully submits that none of Miyaji, Saito, et al., and JP ‘568, even in the proposed combinations, assuming, *arguendo*, that the same could be combined, discloses or suggests at least the above-discussed claimed claimed features as recited, *inter alia*, in Claims 1 and 5.

The Official Action acknowledges that Miyaji and Saito, et al. “fail to explicitly disclose that the control unit stops providing image and sound data to the external recording unit in response to the record stop instruction”, and Applicant respectfully submits that, indeed, both Miyaji and JP ‘568 require transmitting to an external storage device a command for stopping

recording data (i.e., unless such a command is transmitted, it cannot be attained to stop recording the data output from an image capture apparatus). Accordingly, Applicant respectfully submits that even if Miyaji, Saito, et al., and JP ‘568 could be combined as proposed, the combination would fail to disclose or suggest at least the above-discussed claimed features as recited, *inter alia*, in Claims 1 and 5.

It is also respectfully submitted that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at the above-discussed claimed features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Daniel S. Glueck/
Daniel S. Glueck
Attorney for Applicant
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

DSG/mcm

FCHS_WS 1695693v1